

To: Greenberg, Ken[Greenberg.Ken@epa.gov]
From: Kermish, Laurie
Sent: Tue 9/3/2013 10:56:48 PM
Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse/abuse
draft response 30 august 2013.docx
2-20-13Citizen Suits in California.docx

In case they ask me any specifics about the cases/cities mentioned by CASA, can you tell me anything about them?

Laurie Kermish

CWA Section Chief

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From: DeMarco, Carol
Sent: Friday, August 30, 2013 12:36 PM
To: Theis, Joseph; Rivera, Reiniero; Herz, Marion; Snyder, Raquel; Pollins, Mark; Denton, Loren; Drelich, David; Kermish, Laurie; Kabler, Lauren; Lu, Sarah (ENRD); justin.smith@usdoj.gov
Subject: RE: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse/abuse
Importance: High

Hi all,

I attach the latest draft of the response to Senator Feinstein's CWA citizen suit inquiry. I also attach CASA's issue paper. DOJ is copied on this email so they can weigh in on the draft.

Thanks,
Carol

Carol Lynn DeMarco, Attorney-Advisor
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From: Theis, Joseph
Sent: Thursday, August 29, 2013 2:47 PM
To: Rivera, Reiniero; Herz, Marion
Cc: Snyder, Raquel; Pollins, Mark; DeMarco, Carol; Denton, Loren
Subject: RE: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Rey,

We are working on a draft written response that we will run up our chain. Carol DeMarco is the lead staff person working on this, and Mark is definitely available for the meeting next Friday. We haven't seen a scheduler yet, but can you please add Mark, Carol and Loren Denton to the invite if you are setting up the meeting. Thanks.

Joseph G. Theis

Acting Deputy Director

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From: Rivera, Reiniero

Sent: Thursday, August 29, 2013 10:33 AM

To: Herz, Marion

Cc: Theis, Joseph; Snyder, Raquel

Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Marion - OCE is coordinating a response for this Congressional request and a meeting is being scheduled for Friday, September 6th.

Given that data is mentioned in the request, do you think OC should get involved in the response and/or participate in next Friday's meeting?

If so, who should in OC be invited to the meeting?

Thanks,

Rey

From: Theis, Joseph

Sent: Tuesday, August 27, 2013 11:13 AM

To: Rivera, Reiniero
Cc: Ahearn, Caroline; Pollins, Mark; DeMarco, Carol; Denton, Loren
Subject: Re: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Rey,

We can try. We will need to coordinate with Region 9, and run it up to Cynthia and she is out until next week, so the latter part of next week would be better.

From: Rivera, Reiniero
Sent: Tuesday, August 27, 2013 10:25:52 AM
To: Theis, Joseph
Cc: Ahearn, Caroline; Pollins, Mark; DeMarco, Carol; Denton, Loren
Subject: RE: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Joe – OCIR says that “sometime next week” would be fine.

Do you think it’s doable?

Rey

From: Theis, Joseph
Sent: Tuesday, August 27, 2013 10:18 AM
To: Rivera, Reiniero
Cc: Ahearn, Caroline; Pollins, Mark; DeMarco, Carol; Denton, Loren
Subject: Re: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Rey, What is the timeframe for responding?

From: Rivera, Reiniero
Sent: Tuesday, August 27, 2013 10:05:17 AM
To: Theis, Joseph
Cc: Ahearn, Caroline
Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Joe – It seems that both **Lauren** and **Mark** are out of the office. Is this something you could help us respond to?

Thnaks,

Rey Rivera

OECA Policy and Legislative Coordination Division

From: Rivera, Reiniero
Sent: Tuesday, August 27, 2013 10:01 AM
To: Kabler, Lauren
Cc: Kraus, Gerard; Bartlett, Keith; Ahearn, Caroline; Pollins, Mark
Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Lauren - Please see below OCIR's request for answer to the following three questions from **Senator Feinstein**:

- 1) Has the Clean Water Act citizen suits for sanitary sewer overflows and alleged stormwater permit violations been an issue in other parts of the country?
- 2) Are there data that substantiates the scope and extent of the alleged behaviors?
- 3) Are there are administrative / non-statutory ways to mitigate the problem?

Is this something you could coordinate with OCE's WED?

Thanks,

Rey

From: Snyder, Raquel
Sent: Tuesday, August 27, 2013 9:42 AM
To: Rivera, Reiniero
Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

From: Snyder, Raquel
Sent: Tuesday, August 27, 2013 9:40 AM
To: Ahearn, Caroline; Kraus, Gerard; Bartlett, Keith
Cc: Spraul, Greg; Maier, Brent
Subject: FW: Senator Feinstein Inquiry CWA Citizen Suits - alleged patterns of misuse / abuse

Good morning,

Attached please find a summary of the issue that the California Association of Sanitation Agencies has compiled.

Senator Feinstein's office would like to know whether this is an issue in other parts of the country; is there data that substantiates the scope and extent of the alleged behaviors; and if there are administrative / non-statutory ways to mitigate the problem.

Can OECA field these three questions? Also, please keep my colleague Greg Spraul in the loop as these questions relate to greater OW policy issues.

Many thanks,

Raquel Snyder

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